

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

**MARTIN N. BELL and
LT. GEN. JAMES LONGSTREET CHAPTER of
MILITARY ORDER OF THE STARS AND BARS
GEORGIA SOCIETY INC.,** **CASE: 5:20-cv-00338**
Plaintiffs

VS

**MACON-BIBB COUNTY, MAYOR ROBERT REICHERT,
AL TILLMAN, LARRY SCHLESINGER, ELAINE LUCAS,
BERT BIVINS III, VIRGIL WATKINS, JR.,**
Defendants

PLAINTIFFS' MOTION TO REMAND

COME NOW Plaintiffs MARTIN N. BELL and LT. GEN. JAMES LONGSTREET CHAPTER MILITARY ORDER OF THE STARS AND BARS GEORGIA SOCIETY INC., (“Plaintiffs”), by and through its undersigned counsel, and moves the Court to Dismiss the Defendants’ Removal into this Court of the original action which was filed in the Superior Court of Bibb County, Georgia, and remand to said Georgia court this case, showing in support thereof:

1. The Courts of Georgia are the proper and appropriate forums for the adjudication of the issues involved in this and similar cases being

litigated throughout the State , at least one of which (Newton County) has already been appealed to the Court of Appeals of Georgia.

2. The sole legal reason Defendants filed their notice of removal in the Bibb County Superior Court case was Plaintiffs' inclusion of Count II of its Complaint for Damages and Injunctive Relief ("Complaint") [Doc. 1-1, Exhibit 1 , Pages 2-12, filed hereinbefore by Defendants] in the above-styled action, to wit, a count alleging First and Fourteenth Amendment violations under 42 U.S.C. § 1983 [Doc. 1-1, Count II, ¶¶ 32-37].
3. On September 2, 2020, Plaintiffs filed their first amendment to their Complaint in this Court removing from their complaint the said Count II 42 U.S.C. § 1983 claims.
4. This honorable Court has the inherent authority to decline jurisdiction of this matter and to dismiss the removal to federal court and remand the matter to the Superior Court of Bibb County wherein all parties can be assured of receiving fair and scholarly treatment of the issues involved in this case.

Respectfully moved this the 22nd day of September, 2020.

/s/ Walker L. Chandler_____

Georgia State Bar No. 120675
Attorney for Plaintiffs

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CERTIFICATE OF SERVICE

I hereby certify that, on the date indicated below, I submitted this

PLAINTIFFS' FIRST MOTION TO DISMISS

to the Clerk of Court using the CM/ECF system, which will automatically send electronic mail notification of such filing to counsel of record.

Duke R. Groover

Lee M. Gillis

S. Elizabeth Hall

Attorneys for Defendants

This 1st day of September, 2020.

/s/ Walker L. Chandler
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Attorney for Plaintiffs

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